

1 MICHAEL J. SHEPARD (SBN 91281)

mshepard@kslaw.com

2 **KING & SPALDING LLP**

50 California Street, Suite 3300

3 San Francisco, California 94111

4 Telephone: +1 415 318 1221

5 KERRIE C. DENT (admitted *pro hac vice*)

kdent@kslaw.com

6 **KING & SPALDING LLP**

1700 Pennsylvania Avenue, NW, Suite 900

7 Washington, DC 20006-4707

8 Telephone: +1 202 626 2394

9 CINDY A. DIAMOND (SBN 124995)

cindy@cadiamond.com

10 **ATTORNEY AT LAW**

58 West Portal Ave #350

11 San Francisco, CA 94127

12 Telephone: +1 408 981 6307

13 Attorneys for Defendant

14 ROWLAND MARCUS ANDRADE

15
16 **UNITED STATES DISTRICT COURT**

17 **NORTHERN DISTRICT OF CALIFORNIA**

18 **SAN FRANCISCO DIVISION**

19 UNITED STATES OF AMERICA,

20 Plaintiff,

21 v.

22 ROWLAND MARCUS ANDRADE,

23 Defendant.

Case No. 3:2-cr-00249-RS

**DECLARATION OF DAINEC P. STEFAN
IN SUPPORT OF DEFENDANT
ANDRADE'S RESPONSE TO
GOVERNMENT'S MOTION TO
CONTINUE DEADLINE FOR UNITED
STATES TO FILE REBUTTAL EXPERT
NOTICE**

Judge: Hon. Richard Seeborg, Chief Judge

DECLARATION OF DAINEC P. STEFAN

Dainec P. Stefan, counsel for Defendant Marcus Andrade, states as follows:

1. I am one of the lawyers representing Defendant Marcus Andrade in the above-captioned matter. I have personal knowledge of the factual matters contained herein based upon my review of the evidence and, if called as a witness in this matter, could competently testify to the matters stated in this Declaration.

2. On January 17, 2025, I emailed government counsel to inform them that I had just uploaded to a sharepoint the data reviewed by defense expert Erik Min which “formed the bases and reasons for his expert opinion.” I further articulated that there were certain materials he had either reviewed or attempted to review which did not comprise the bases and reasons for his opinion and which I had not uploaded. I detailed the source of those materials as being from an Amazon Web Services Server, provided a list of the general contents of that data and, to the degree I was familiar, the extent to which Mr. Min was able to access the records in question. That list was as follows:

- 21 elastic block storage (EBS) snapshots. These were not accessible to Mr. Min, so he could not review them.
- 3 EBS storages. These were not accessible to Mr. Min, so he could not review them.
- 20 Amazon machine images.
- 1 CSV file containing security information.
- 1 Excel document containing 5 elastic IP addresses.
- 1 Excel document containing the EC2 key pairs. Only the public keys were contained.
- 1 PEM file.

3. The aforementioned data not provided is approximately 6.7 terabytes in size and and could not feasibly be provided via file sharing services. The technical team associated with Mr. Min would be required to archive all the files to a large hard drive and provide it via a physical delivery. Given the team’s current tasking, assuming the project could be initiated

1 immediately and adequate Criminal Justice Act funds were provided for the purpose, it would
2 take his team at least 1-2 weeks to consolidate the material to a hard drive for provision. Mr. Min
3 was not able to access or review the overwhelming majority of the material in question, and the
4 government expert would be no better positioned to access or review the data.

5 4. The files provided to the government comprise over 6.8 gigabytes of data
6 when compressed and include the source code for the AtenCoin project, despite this information
7 not falling within the bases or reasons for Mr. Min's opinions regarding the AML Bitcoin
8 project.

9 5. Upon the Court entering an order admitting the government's AtenCoin
10 evidence, defense counsel sought through the Criminal Justice Act the additional funding Mr.
11 Min needs to complete analysis of the AtenCoin source code in a request promptly prepared and
12 filed on January 23, 2025. On January 27, 2025, the CJA Supervising Attorney sought additional
13 information from the defense regarding Mr. Andrade's request, and the defense promptly replied
14 with the requested information the same day.

15 I declare under penalty of perjury under the laws of the United States that the foregoing is
16 true and correct.

17 Executed on January 28, 2025 in San Francisco, CA.

18
19 /s/ Dainec P. Stefan

20 Dainec P. Stefan
21
22
23
24
25
26
27